

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

JANUARY 14, 2002

IN RE:

**BELLSOUTH TELECOMMUNICATIONS, INC.
TARIFF TO WITHDRAW CCS7 ACCESS
ARRANGEMENT, TARIFF 01-00440**

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**DOCKET NO.
01-00702**

**ORDER ACCEPTING WITHDRAWAL OF TARIFF
FILED IN DOCKET NO. 01-00440**

This matter came before the Tennessee Regulatory Authority ("Authority") at a regularly scheduled Authority Conference held on August 21, 2001 for consideration of BellSouth Telecommunications, Inc.'s ("BellSouth") *Tariff to Withdraw CCS7 Access Arrangement* filed on August 8, 2001.

Background

On May 16, 2001, BellSouth filed a tariff to introduce CCS7 Access Arrangement Service (Tariff No. 01-00440). Authority Docket No. 01-00440 was opened as a result of BellSouth filing that tariff. In its filing, BellSouth stated that CCS7 Access Arrangement Service was a new access service offering and a restructuring of access for Commercial Mobile Radio Service ("CMRS") providers. The tariff was filed on thirty (30) days notice with a proposed effective of June 15, 2001.

On June 14, 2001, petitions for intervention were filed by XO Tennessee, Inc., U.S. LEC of Tennessee, Inc., Leap Wireless International d/b/a Cricket Communications, and Time Warner Telecom of the MidSouth, L.P. (collectively the "Petitioners") in Docket No. 01-00440.¹ The Petitioners also filed a joint petition to suspend BellSouth's tariff.² On June 15, 2001, the Authority's Executive Secretary sent a letter to BellSouth requesting a written response to the petitions for intervention and joint petition by June 21, 2001. On June 19, 2001, BellSouth replied to the Executive Secretary by requesting thirty (30) days to respond in accordance with Authority Rule 1220-1-2-.03, which governs the time for responding to a complaint.

At the Authority Conference held on June 26, 2001, the Directors determined that the petitions for intervention were not filed timely pursuant to Authority Rule 1220-1-2-.08 and that BellSouth's CCS7 Access Arrangement Service tariff was then currently in effect. The Directors further determined to treat the petitions for intervention as formal complaints, to shorten the response time and require BellSouth to respond to the complaints by June 29, 2001.³ On June 29, 2001, BellSouth filed *BellSouth's Motion to Dismiss Joint Petition* ("*BellSouth's Motion*") in Docket No. 01-00440.

At the Authority Conference held on July 24, 2001, the Directors heard oral argument from the parties in Docket No. 01-00440 on *BellSouth's Motion*. At the conclusion of oral argument, the Directors decided to hold *BellSouth's Motion* in

¹ TeleCorp Communications, Inc. and Tritel Communications, Inc. (collectively "TeleCorp") filed a *Petition for Leave to Intervene* on July 23, 2001.

² *Joint Petition of XO Tennessee, Inc., US LEC of Tennessee, Inc., Leap Wireless International d/b/a Cricket Communications and Time Warner Telecom of the Mid-South, L.P.* (June 14, 2001).

³ An Order memorializing the Authority's decision was entered July 2, 2001.

abeyance until additional information could be obtained from BellSouth regarding the tariff.

On July 25, 2001, the Authority sent a data request to BellSouth to obtain calculations demonstrating whether the CCS7 tariff complied with the aggregate revenue caps for non-basic and interconnection services and to gather information concerning the apparent inconsistency, during oral argument, of BellSouth's classification of the CCS7 tariff as both a new service offering in the tariff filing and as a price increase in an existing service.

On July 31, 2001, BellSouth filed a letter in Docket No. 01-00440 informing the Authority that BellSouth had decided to withdraw its CCS7 tariff. In its letter BellSouth stated "[a]lthough the tariff became effective in Tennessee on June 15, 2001, no customer has been, or will be, billed pursuant to this tariff. Accordingly, no person or entity will be adversely affected by this withdrawal. Revised tariff pages will be filed in the near future."⁴ On August 8, 2001, BellSouth filed its *Tariff to Withdraw CCS7 Access Arrangement Tariff 01-00440*, which was assigned Docket No. 01-00702.

At the August 21, 2001 Authority Conference, the Directors of the Authority voted unanimously to accept and approve *BellSouth's Tariff to Withdraw CCS7 Access Arrangement in Docket No. 01-00440*. In addition, the Authority unanimously ordered BellSouth to respond not later than August 28, 2001, to the Authority's July 25, 2001 data request in Docket No. 01-00440.

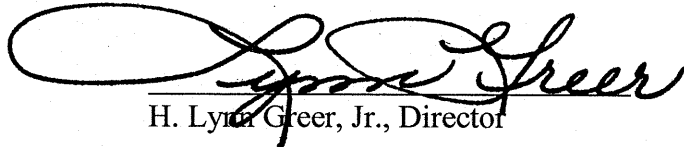
⁴ Letter from Guy M. Hicks, General Counsel, BellSouth Telecommunications, Inc., to K. David Waddell, Executive Secretary, Tennessee Regulatory Authority, July 31, 2001.

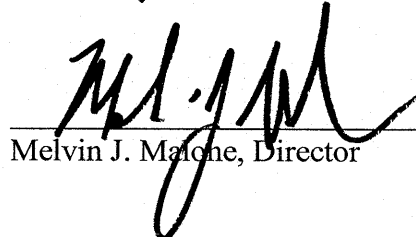
IT IS THEREFORE ORDERED THAT:

1. BellSouth Telecommunications, Inc.'s *Tariff To Withdraw CCS7 Access Arrangement, Tariff 01-00440* is accepted and approved and as a result, Authority Docket No. 01-00440 shall be closed.


2. BellSouth Telecommunications, Inc. shall respond fully to the Authority's July 25, 2001 data request filed in Docket No. 01-00440 not later than August 28, 2001.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary